



Docket No. L01-13C2

IN THE UNITED STATE PATENT AND TRADEMARK OFFICE

Re Application of: Van Gelder et al.
Serial No.: 09/713,545 Group Art Unit: 1636
5 Filing Date: 11/15/2000 Examiner:
Title: Multi-Gene Expression Profile

Response to Notice to Comply with Sequence Listing Requirements

10 The Honorable Assistant Commissioner For Patents
Washington, D.C. 20231

Dear Examiner:

15 This paper is intended as a complete response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence Disclosures in the Notice to File Missing Parts mailed January 19, 2001. As the Sequence Requirement was included with a Notice to File Missing Parts due March 19, 2001, the Notice to File Missing parts is being filed May 21, 2001, with an extension.

20 Attached are substitute pages, including the one-page Sequence Listing and renumbered claim pages, and a 3 ½-inch diskette. I hereby state that the sequence listing does not include new matter beyond that in, and is supported by, the specification as filed at page 5, lines 28-28 (SEQ ID NO:1) and page 7, lines 23-24 (SEQ ID NO:2). I hereby state that the copy of the computer readable form is the same as the Sequence Listing.

25 The Amendment to which this Response is attached incorporates the citations of sequence numbers on pages 5, 7, 18 et al.

Respectfully submitted,

30 Date: 5/21/2001

By Barbara J. Luther
Barbara J. Luther
Registration No. 33,954

35 Enclosure: as above
BARBARA J. LUTHER, Chartered
18124 Wedge Parkway, # 516
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Reno, NV 89511-8134
Fax: (775) 849-7816



Response To Notice To File Missing Parts Of Application
Filing Date Granted (PTO-1533) (Large Entity)

Docket No.
L01-13C2

In Re Application Of: Van Gelder et al.

Serial No.
09/713,545

Filing Date
11/15/2000

Examiner

Group Art Unit
1636

Invention:

Multi-Gene Expression Profile

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Box Missing Parts

The fee of \$1,230.00 is to be paid as follows:

- A check in the amount of the fee is enclosed.
- The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 500422
A duplicate copy of this sheet is enclosed.
- If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. 500422
A duplicate copy of this sheet is enclosed.

Signature

Barbara J. Luther, Reg. No. 33,954
Barbara J. Luther, Chartered
18124 Wedge Parkway, #516
Reno, NV 89511

Telephone: 775-849-9746
Fax: 775-849-7816

Dated: 5/21/2001

I certify that this document and fee is being deposited on 5/21/2001 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Signature of Person Mailing Correspondence

Barbara J. Luther

Typed or Printed Name of Person Mailing Correspondence

CC:



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Response To Notice To File Missing Parts Of Application
Filing Date Granted (PTO-1533)(Large Entity)

Docket No.
L01-13C2

In Re Application Of: Van Gelder et al.

Serial No.
09/713,545

Filing Date
11/15/2000

Examiner

Group Art Unit
1636

Invention:

Multi-Gene Expression Profile

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Box Missing Parts

This is a response to the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533) mailed on

01/19/2001

Date

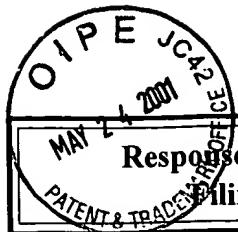
Enclosed herewith for filing are the following:

- A copy of the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533). **(REQUIRED)**
- An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date.
- A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date.
- An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date.
- A verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the United States Patent and Trademark Office.
- Other (list):

Corrected Filing Receipt
Sequence Listing (cover sheet, paper and diskette copies)
Amendment
Postcard

06/04/2001 GTEFFERA 00000021 500422 09713545

01 FC:116 390.00 CH



Response To Notice To File Missing Parts Of Application
Filing Date Granted (PTO-1533)(Large Entity)

Docket No.
L01-13C2

In Re Application Of: Van Gelder et al.

Serial No.
09/713,545

Filing Date
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Examiner

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1636

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TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Box Missing Parts

Completion of application fees as calculated below:

Utility application filing fee \$710.00

Design application filing fee _____

Total number of independent claims = 2 _____

Total number of claims = 6 _____

Multiple dependent claims _____

Surcharge for late payment of filing fee and/or late filing of original declaration or oath \$130.00

Petition and fee for filing by other than all the inventors or a person not the inventor _____

Fee for processing an application filed with a non-English language specification _____

Fee for processing and retention of application _____

Total completion of application fees \$840.00

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the above-identified Notice to File Missing Parts of Application. The requested extension is as follows (check time period desired). If an additional time extension is required, please consider this a petition therefor.

One month Two months Three months Four months Five months

from: 3/19/2001 Date until: 5/21/2001 Date

Total time extension fees \$390.00

Total fees due \$1,230.00



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/713,545	11/15/2000	Russell N. Van Gelder	L01-13C2

25003
BARBARA J LUTHER, CHARTERED
18124 WEDGE PARKWAY
PMB 516
RENO, NV 89511

FORMALITIES LETTER



OC000000005690868

Date Mailed: 01/19/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821 - 1.825 for the following reason(s):
 - This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c).
 - A copy of the "Sequence Listing" in computer readable form has not been submitted as required under 37 CFR 1.821(e).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-1123
- For CRF Submission Help, call (703) 308-4212
- PatentIn Software Program Support
- - For Technical Assistance, call (703) 287-0200
- - To Purchase PatentIn Software, call (703) 306-2600

- The balance due by applicant is \$ 840.

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1/19/01
1/19/01

A copy of this notice MUST be returned with the reply.



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NC	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/713,545	11/15/2000	1636	0	L01-13C2	1	6	2

25003
BARBARA J LUTHER, CHARTERED
18124 WEDGE PARKWAY
PMB 516
RENO, NV 89511

FILING RECEIPT



OC00000005630867

Date Mailed: 01/19/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

MO

Russell N. Van Gelder, Des Peres, MI;
Mark E. Von Zastrow, San Carlos, CA ;
Jack D. Barchas, Philadelphia, PA ;
James D. Eberwine, Philadelphia, PA ;

Continuing Data as Claimed by Applicant

THIS APPLICATION IS A CON OF 09/286,533 04/05/1999
WHICH IS A CON OF 08/922,965 09/03/1997 PAT 5,891,636
WHICH IS A CON OF 08/636,748 04/19/1996 PAT 5,716,785
WHICH IS A CON OF 07/957,647 10/05/1992 PAT 5,545,522
WHICH IS A CON OF 07/411,370 09/22/1989 ABN

Foreign Applications

If Required, Foreign Filing License Granted 01/19/2001

Title

Multi-gene expression profile

Preliminary Class

435